

(2) support for local applications for Community Grants; and

(3) community progress toward reducing crime, violence, and substance abuse.

(c) Certification

Beginning in the third year of the program, States must certify that the local grantee's project funded under the community grant is generally consistent with statewide strategic goals and objectives, and performance targets and measures.

(Pub. L. 90-351, title I, §2988, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1835.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3797y-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBCHAPTER XXXIII—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

§ 10651. Adult and juvenile collaboration programs

(a) Definitions

In this section, the following definitions shall apply:

(1) Applicant

The term “applicant” means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

(2) Collaboration program

The term “collaboration program” means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

- (A) a criminal or juvenile justice agency or a mental health court; and
- (B) a mental health agency.

(3) Criminal or juvenile justice agency

The term “criminal or juvenile justice agency” means an agency of a State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

(4) Diversion and alternative prosecution and sentencing

(A) In general

The terms “diversion” and “alternative prosecution and sentencing” mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

(B) Appropriate use

In this paragraph, the term “appropriate use” includes the discretion of the judge or

supervising authority, the leveraging of graduated sanctions to encourage compliance with treatment, and law enforcement diversion, including crisis intervention teams.

(C) Graduated sanctions

In this paragraph, the term “graduated sanctions” means an accountability-based graduated series of sanctions (including incentives, treatments, and services) applicable to mentally ill offenders within both the juvenile and adult justice system to hold individuals accountable for their actions and to protect communities by providing appropriate sanctions for inducing law-abiding behavior and preventing subsequent involvement in the criminal justice system.

(5) Mental health agency

The term “mental health agency” means an agency of a State or local government or its contracted agency that is responsible for mental health services or co-occurring mental health and substance abuse services.

(6) Mental health court

The term “mental health court” means a judicial program that meets the requirements of subchapter XXI of this chapter.

(7) Mental illness; mental health disorder

The terms “mental illness” and “mental health disorder” mean a diagnosable mental, behavioral, or emotional disorder—

(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(B)(i) that, in the case of an adult, has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; or

(ii) that, in the case of a juvenile, has resulted in functional impairment that substantially interferes with or limits the juvenile's role or functioning in family, school, or community activities.

(8) Nonviolent offense

The term “nonviolent offense” means an offense that does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another or is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(9) Preliminarily qualified offender

(A) In general

The term “preliminarily qualified offender” means an adult or juvenile accused of an offense who—

(i)(I) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders;

(II) manifests obvious signs of mental illness or co-occurring mental illness and

substance abuse disorders during arrest or confinement or before any court; or

(III) in the case of a veterans treatment court provided under subsection (i), has been diagnosed with, or manifests obvious signs of, mental illness or a substance abuse disorder or co-occurring mental illness and substance abuse disorder;

(ii) has been unanimously approved for participation in a program funded under this section by, when appropriate—

(I) the relevant—

(aa) prosecuting attorney;

(bb) defense attorney;

(cc) probation or corrections official; and

(dd) judge; and

(II) a representative from the relevant mental health agency described in subsection (b)(5)(B)(i);

(iii) has been determined, by each person described in clause (ii) who is involved in approving the adult or juvenile for participation in a program funded under this section, to not pose a risk of violence to any person in the program, or the public, if selected to participate in the program; and

(iv) has not been charged with or convicted of—

(I) any sex offense (as defined in section 20911 of this title) or any offense relating to the sexual exploitation of children; or

(II) murder or assault with intent to commit murder.

(B) Determination

In determining whether to designate a defendant as a preliminarily qualified offender, the relevant prosecuting attorney, defense attorney, probation or corrections official, judge, and mental health or substance abuse agency representative shall take into account—

(i) whether the participation of the defendant in the program would pose a substantial risk of violence to the community;

(ii) the criminal history of the defendant and the nature and severity of the offense for which the defendant is charged;

(iii) the views of any relevant victims to the offense;

(iv) the extent to which the defendant would benefit from participation in the program;

(v) the extent to which the community would realize cost savings because of the defendant's participation in the program; and

(vi) whether the defendant satisfies the eligibility criteria for program participation unanimously established by the relevant prosecuting attorney, defense attorney, probation or corrections official, judge and mental health or substance abuse agency representative.

(10) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

(11) Unit of local government

The term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

(b) Planning and implementation grants

(1) In general

The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets preliminarily qualified offenders in order to promote public safety and public health.

(2) Purposes

Grants awarded under this section shall be used to create or expand—

(A) mental health courts or other court-based programs for preliminarily qualified offenders;

(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel serving those with co-occurring mental illness and substance abuse problems in procedures for identifying the symptoms of preliminarily qualified offenders in order to respond appropriately to individuals with such illnesses;

(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

(3) Applications

(A) In general

To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under subchapter XXI of this chapter may be made in conjunction with an application under this section.

(B) Combined planning and implementation grant application

The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a

single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

(4) Planning grants

(A) Application

The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

(B) Contents

The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

(C) Period of grant

A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

(D) Collaboration set aside

Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

(5) Implementation grants

(A) Application

Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

(B) Collaboration

To receive an implementation grant, the joint applicants shall—

(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency will participate in the administration of the collaboration program;

(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to provide supervision of offenders and jointly ensure that the provision of mental health treatment services and substance abuse services for individuals with co-occurring mental health and substance abuse disorders are coordinated, which may range from consultation or collaboration to integration in a single setting or treatment model;

(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

(iv) involve, to the extent practicable, in developing the grant application—

- (I) preliminarily qualified offenders;
- (II) the families and advocates of such individuals under subclause (I); and
- (III) advocates for victims of crime.

(C) Content

To be eligible for an implementation grant, joint applicants shall comply with the following:

(i) Definition of target population

Applicants for an implementation grant shall—

(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

(II) develop guidelines that can be used by personnel of an adult or juvenile justice agency to identify preliminarily qualified offenders.

(ii) Services

Applicants for an implementation grant shall—

(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, validated, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

(II) specify plans for making mental health, or mental health and substance abuse, treatment services available and accessible to preliminarily qualified offenders at the time of their release from the criminal justice system, including outside of normal business hours;

(III) ensure that there are substance abuse personnel available to respond appropriately to the treatment needs of preliminarily qualified offenders;

(IV) determine eligibility for Federal benefits;

(V) ensure that preliminarily qualified offenders served by the collaboration program will have adequate supervision and access to effective and appropriate community-based mental health services, including, in the case of individuals with co-occurring mental health and substance abuse disorders, coordinated services, which may range from consultation or collaboration to integration in a single setting treatment model;

(VI) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and

(VII) include strategies, to the extent practicable, to address developmental

and learning disabilities and problems arising from a documented history of physical or sexual abuse.

(D) Housing and job placement

Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

(E) Policies and procedures

Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

(F) Financial

Applicants for an implementation grant shall—

(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as Medicaid, Medicare, and the State Children's Insurance Program); and

(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

(G) Outcomes

Applicants for an implementation grant shall—

(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

(H) State plans

Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

(I) Use of funds

Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

(i) Mental health courts and diversion/alternative prosecution and sentencing programs

Funds may be used to create or expand existing mental health courts that meet

program requirements established by the Attorney General under subchapter XXI of this chapter, other court-based programs, or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

(ii) Training

Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

(I) criminal justice system personnel to identify and respond appropriately to the unique needs of preliminarily qualified offenders; or

(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.

(iii) Service delivery

Funds may be used to create or expand programs that promote public safety by providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.

(iv) In-jail and transitional services

Funds may be used to promote and provide mental health treatment and transitional services for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

(v) Teams addressing frequent users of crisis services

Multidisciplinary teams that—

(I) coordinate, implement, and administer community-based crisis responses and long-term plans for frequent users of crisis services;

(II) provide training on how to respond appropriately to the unique issues involving frequent users of crisis services for public service personnel, including criminal justice, mental health, substance abuse, emergency room, healthcare, law enforcement, corrections, and housing personnel;

(III) develop or support alternatives to hospital and jail admissions for frequent users of crisis services that provide treatment, stabilization, and other appropriate supports in the least restrictive, yet appropriate, environment; and

(IV) develop protocols and systems among law enforcement, mental health, substance abuse, housing, corrections, and emergency medical service operations to provide coordinated assistance to frequent users of crisis services.

(J) Geographic distribution of grants

The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

(c) Priority

The Attorney General, in awarding funds under this section, shall give priority to applications that—

- (1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;
- (2) promote effective strategies for identification and treatment of female mentally ill offenders;
- (3) promote effective strategies to expand the use of mental health courts, including the use of pretrial services and related treatment programs for offenders;
- (4) propose interventions that have been shown by empirical evidence to reduce recidivism;
- (5) when appropriate, use validated assessment tools to target preliminarily qualified offenders with a moderate or high risk of recidivism and a need for treatment and services; or
- (6)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;
- (B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;
- (C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and
- (D) have the support of both the Attorney General and the Secretary.

(d) Matching requirements**(1) Federal share**

The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

- (A) 80 percent of the total cost of the program during the first 2 years of the grant;
- (B) 60 percent of the total cost of the program in year 3; and
- (C) 25 percent of the total cost of the program in years 4 and 5.

(2) Non-Federal share

The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

(e) Federal use of funds

The Attorney General, in consultation with the Secretary, in administering grants under this section, shall use not less than 6 percent of funds appropriated to—

- (1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;
- (2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;
- (3) provide technical assistance to local governments, mental health courts, and diversion

programs, including technical assistance relating to program evaluation;

- (4) help localities build public understanding and support for community reintegration of individuals with mental illness;
- (5) develop a uniform program evaluation process; and
- (6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

(f) Interagency task force**(1) In general**

The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

(2) Responsibilities

The task force established under paragraph (1) shall—

- (A) identify policies within their departments that hinder or facilitate local collaborative initiatives for preliminarily qualified offenders; and
- (B) submit, not later than 2 years after October 30, 2004, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to preliminarily qualified offenders.

(g) Collaboration set-aside

The Attorney General shall use not less than 8 percent of funds appropriated to provide technical assistance to State and local governments receiving grants under this subchapter to foster collaboration between such governments in furtherance of the purposes set forth in section 3 of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (34 U.S.C. 10651 note).

(h) Law enforcement response to mentally ill offenders improvement grants**(1) Authorization**

The Attorney General is authorized to make grants under this section to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

(A) Training programs

To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(B) Receiving centers

To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

(C) Improved technology

To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such

respective personnel to mentally ill offenders.

(D) Cooperative programs

To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

(E) Campus security personnel training

To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(F) Academy training

To provide support for academy curricula, law enforcement officer orientation programs, continuing education training, and other programs that teach law enforcement personnel how to identify and respond to incidents involving persons with mental health disorders or co-occurring mental health and substance abuse disorders.

(2) BJA training models

For purposes of paragraph (1)(A), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

(3) Matching funds

The Federal share of funds for a program funded by a grant received under this subsection may not exceed 50 percent of the costs of the program. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.

(4) Priority consideration

The Attorney General, in awarding grants under this subsection, shall give priority to programs that law enforcement personnel and members of the mental health and substance abuse professions develop and administer cooperatively.

(i) Assisting veterans

(1) Definitions

In this subsection:

(A) Peer-to-peer services or programs

The term “peer-to-peer services or programs” means services or programs that connect qualified veterans with other veterans for the purpose of providing support and mentorship to assist qualified veterans in obtaining treatment, recovery, stabilization, or rehabilitation.

(B) Qualified veteran

The term “qualified veteran” means a preliminarily qualified offender who—

- (i) served on active duty in any branch of the Armed Forces, including the National Guard or Reserves; and

- (ii) was discharged or released from such service under conditions other than dishonorable, unless the reason for the dishonorable discharge was attributable to a substance abuse disorder.

(C) Veterans treatment court program

The term “veterans treatment court program” means a court program involving collaboration among criminal justice, veterans, and mental health and substance abuse agencies that provides qualified veterans with—

- (i) intensive judicial supervision and case management, which may include random and frequent drug testing where appropriate;
- (ii) a full continuum of treatment services, including mental health services, substance abuse services, medical services, and services to address trauma;
- (iii) alternatives to incarceration; or
- (iv) other appropriate services, including housing, transportation, mentoring, employment, job training, education, or assistance in applying for and obtaining available benefits.

(2) Veterans assistance program

(A) In general

The Attorney General, in consultation with the Secretary of Veterans Affairs, may award grants under this subsection to applicants to establish or expand—

- (i) veterans treatment court programs;
- (ii) peer-to-peer services or programs for qualified veterans;
- (iii) practices that identify and provide treatment, rehabilitation, legal, transitional, and other appropriate services to qualified veterans who have been incarcerated; or
- (iv) training programs to teach criminal justice, law enforcement, corrections, mental health, and substance abuse personnel how to identify and appropriately respond to incidents involving qualified veterans.

(B) Priority

In awarding grants under this subsection, the Attorney General shall give priority to applications that—

- (i) demonstrate collaboration between and joint investments by criminal justice, mental health, substance abuse, and veterans service agencies;
- (ii) promote effective strategies to identify and reduce the risk of harm to qualified veterans and public safety; and
- (iii) propose interventions with empirical support to improve outcomes for qualified veterans.

(j) Forensic assertive community treatment (FACT) initiative program

(1) In general

The Attorney General may make grants to States, units of local government, territories, Indian Tribes, nonprofit agencies, or any combination thereof, to develop, implement, or expand Assertive Community Treatment initia-

tives to develop forensic assertive community treatment (referred to in this subsection as “FACT”) programs that provide high intensity services in the community for individuals with mental illness with involvement in the criminal justice system to prevent future incarcerations.

(2) Allowable uses

Grant funds awarded under this subsection may be used for—

(A) multidisciplinary team initiatives for individuals with mental illnesses with criminal justice involvement that address criminal justice involvement as part of treatment protocols;

(B) FACT programs that involve mental health professionals, criminal justice agencies, chemical dependency specialists, nurses, psychiatrists, vocational specialists, forensic peer specialists, forensic specialists, and dedicated administrative support staff who work together to provide recovery oriented, 24/7 wraparound services;

(C) services such as integrated evidence-based practices for the treatment of co-occurring mental health and substance-related disorders, assertive outreach and engagement, community-based service provision at participants’ residence or in the community, psychiatric rehabilitation, recovery oriented services, services to address criminogenic risk factors, and community tenure;

(D) payments for treatment providers that are approved by the State or Indian Tribe and licensed, if necessary, to provide needed treatment to eligible offenders participating in the program, including behavioral health services and aftercare supervision; and

(E) training for all FACT teams to promote high-fidelity practice principles and technical assistance to support effective and continuing integration with criminal justice agency partners.

(3) Supplement and not supplant

Grants made under this subsection shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this subsection.

(4) Applications

To request a grant under this subsection, a State, unit of local government, territory, Indian Tribe, or nonprofit agency shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(k) Sequential intercept grants

(1) Definition

In this subsection, the term “eligible entity” means a State, unit of local government, Indian tribe, or tribal organization.

(2) Authorization

The Attorney General may make grants under this subsection to an eligible entity for sequential intercept mapping and implementation in accordance with paragraph (3).

(3) Sequential intercept mapping; implementation

An eligible entity that receives a grant under this subsection may use funds for—

(A) sequential intercept mapping, which—

(i) shall consist of—

(I) convening mental health and criminal justice stakeholders to—

(aa) develop a shared understanding of the flow of justice-involved individuals with mental illnesses through the criminal justice system; and

(bb) identify opportunities for improved collaborative responses to the risks and needs of individuals described in item (aa); and

(II) developing strategies to address gaps in services and bring innovative and effective programs to scale along multiple intercepts, including—

(aa) emergency and crisis services;

(bb) specialized police-based responses;

(cc) court hearings and disposition alternatives;

(dd) reentry from jails and prisons; and

(ee) community supervision, treatment and support services; and

(ii) may serve as a starting point for the development of strategic plans to achieve positive public health and safety outcomes; and

(B) implementation, which shall—

(i) be derived from the strategic plans described in subparagraph (A)(ii); and

(ii) consist of—

(I) hiring and training personnel;

(II) identifying the eligible entity’s target population;

(III) providing services and supports to reduce unnecessary penetration into the criminal justice system;

(IV) reducing recidivism;

(V) evaluating the impact of the eligible entity’s approach; and

(VI) planning for the sustainability of effective interventions.

(l) Correctional facilities

(1) Definitions

(A) Correctional facility

The term “correctional facility” means a jail, prison, or other detention facility used to house people who have been arrested, detained, held, or convicted by a criminal justice agency or a court.

(B) Eligible inmate

The term “eligible inmate” means an individual who—

(i) is being held, detained, or incarcerated in a correctional facility; and

(ii) manifests obvious signs of a mental illness or has been diagnosed by a qualified mental health professional as having a mental illness.

(2) Correctional facility grants

The Attorney General may award grants to applicants to enhance the capabilities of a correctional facility—

(A) to identify and screen for eligible inmates;

(B) to plan and provide—

(i) initial and periodic assessments of the clinical, medical, and social needs of inmates; and

(ii) appropriate treatment and services that address the mental health and substance abuse needs of inmates;

(C) to develop, implement, and enhance—

(i) post-release transition plans for eligible inmates that, in a comprehensive manner, coordinate health, housing, medical, employment, and other appropriate services and public benefits;

(ii) the availability of mental health care services and substance abuse treatment services; and

(iii) alternatives to solitary confinement and segregated housing and mental health screening and treatment for inmates placed in solitary confinement or segregated housing; and

(D) to train each employee of the correctional facility to identify and appropriately respond to incidents involving inmates with mental health or co-occurring mental health and substance abuse disorders.

(m) Accountability

All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

(1) Audit requirement

(A) Definition

In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(B) Audits

Beginning in the first fiscal year beginning after December 13, 2016, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) Mandatory exclusion

A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) Priority

In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

(E) Reimbursement

If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) Nonprofit organization requirements

(A) Definition

For purposes of this paragraph and the grant programs under this subchapter, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of such title.

(B) Prohibition

The Attorney General may not award a grant under this subchapter to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of title 26.

(C) Disclosure

Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) Conference expenditures

(A) Limitation

No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

(B) Written approval

Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) Report

The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) Annual certification

Beginning in the first fiscal year beginning after December 13, 2016, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

(A) indicating whether—

(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

(iii) all reimbursements required under paragraph (1)(E) have been made; and

(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(n) Preventing duplicative grants**(1) In general**

Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

(2) Report

If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

(B) the reason the Attorney General awarded the duplicate grants.

(o) Authorization of appropriations**(1) In general**

There are authorized to be appropriated to the Department of Justice to carry out this section—

(A) \$50,000,000 for fiscal year 2005;

(B) such sums as may be necessary for each of the fiscal years 2006 and 2007; and

(C) \$50,000,000 for each of the fiscal years 2017 through 2021.

(2) Allocation of funding for administrative purposes

For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 per-

cent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.

(3) Limitation

Not more than 20 percent of the funds authorized to be appropriated under this section may be used for purposes described in subsection (i) (relating to veterans).

(Pub. L. 90-351, title I, §2991, as added Pub. L. 108-414, §4(a), Oct. 30, 2004, 118 Stat. 2328; amended Pub. L. 110-416, §§3, 4, Oct. 14, 2008, 122 Stat. 4352, 4353; Pub. L. 114-198, title V, §502, July 22, 2016, 130 Stat. 728; Pub. L. 114-255, div. B, title XIV, §§14005, 14018, 14021-14024, 14027, 14028(a), 14029, Dec. 13, 2016, 130 Stat. 1295, 1307-1311, 1313; Pub. L. 115-391, title VI, §612, Dec. 21, 2018, 132 Stat. 5247.)

Editorial Notes

REFERENCES IN TEXT

The Mentally Ill Offender Treatment and Crime Reduction Act of 2004, referred to in subsec. (b)(4)(D), is Pub. L. 108-414, Oct. 30, 2004, 118 Stat. 2327, which enacted this subchapter and provisions set out as notes below. For complete classification of this Act to the Code, see Short Title of 2004 Act note set out under section 10101 of this title and Tables.

This Act, referred to in subsec. (n)(1), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3797aa of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (b)(4)(D), (E). Pub. L. 115-391, §612(1)(A), (B), redesignated subpar. (E) as (D) and struck out former subpar. (D). Prior to amendment, text of subpar. (D) read as follows: “The amount of a planning grant may not exceed \$75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.”

Subsec. (e). Pub. L. 115-391, §612(2), substituted “shall use not less than 6 percent” for “may use up to 3 percent” in introductory provisions.

Subsec. (g). Pub. L. 115-391, §612(3), amended subsec. (g) generally. Prior to amendment, text read as follows: “Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.”

2016—Subsec. (a)(7). Pub. L. 114-255, §14028(a)(1), substituted “Mental illness; mental health disorder” for “Mental illness” in heading and “terms ‘mental illness’ and ‘mental health disorder’ mean” for “term ‘mental illness’ means” in introductory provisions.

Subsec. (a)(9). Pub. L. 114-255, §14028(a)(2), added par. (9) and struck out former par. (9) which defined the term “preliminarily qualified offender”.

Subsec. (b)(5)(I)(v). Pub. L. 114-255, §14023, added cl. (v).

Subsec. (c)(4) to (6). Pub. L. 114-255, §14027, added pars. (4) and (5) and redesignated former par. (4) as (6).

Subsec. (h)(1)(F). Pub. L. 114-255, §14024(1), added subpar. (F).

Subsec. (h)(4). Pub. L. 114-255, §14024(2), added par. (4).
 Subsec. (i). Pub. L. 114-198, §502(2), added subsec. (i).
 Former subsec. (i) redesignated (j).
 Subsec. (j). Pub. L. 114-255, §14005(2), added subsec. (j).
 Former subsec. (j) redesignated (o).
 Pub. L. 114-198, §502(1), redesignated subsec. (i) as (j).
 Subsec. (k). Pub. L. 114-255, §14021, added subsec. (k).
 Subsec. (l). Pub. L. 114-255, §14022, added subsec. (l).
 Subsecs. (m), (n). Pub. L. 114-255, §14029, added subsecs. (m) and (n).
 Subsec. (o). Pub. L. 114-255, §14005(1), redesignated subsec. (j) as (o).
 Subsec. (o)(1)(C). Pub. L. 114-255, §14018(1), substituted “2017 through 2021” for “2009 through 2014”.
 Subsec. (o)(3). Pub. L. 114-255, §14018(2), added par. (3).
 2008—Subsec. (c). Pub. L. 110-416, §3(c), amended subsec. (c) generally. Prior to amendment, text read as follows:
 “The Attorney General, in awarding funds under this section, shall give priority to applications that—
 “(1) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;
 “(2) demonstrate the active participation of each co-applicant in the administration of the collaborative program;
 “(3) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and re-entry services for such individuals; and
 “(4) have the support of both the Attorney General and the Secretary.”
 Subsec. (h). Pub. L. 110-416, §4(2), added subsec. (h).
 Former subsec. (h) redesignated (i).
 Pub. L. 110-416, §3(b), designated existing provisions as par. (1), inserted heading, redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, realigned margins, and added par. (2).
 Pub. L. 110-416, §3(a), substituted “for each of the fiscal years 2006 and 2007; and” for “for fiscal years 2006 through 2009.” in par. (2) and added par. (3).
 Subsec. (i). Pub. L. 110-416, §4(1), redesignated subsec. (h) as (i).

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 110-416, §2, Oct. 14, 2008, 122 Stat. 4352, provided that: “Congress finds the following:
 “(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.
 “(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.
 “(3) Los Angeles County Jail and New York’s Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.
 “(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.”
 Pub. L. 108-414, §2, Oct. 30, 2004, 118 Stat. 2327, provided that: “Congress finds the following:
 “(1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.
 “(2) According to the Office of Juvenile Justice and Delinquency Prevention, approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number have co-occurring mental health and substance abuse disorders.
 “(3) According to the National Alliance for the Mentally Ill, up to 40 percent of adults who suffer

from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.

“(4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.

“(5) A significant proportion of adults with a serious mental illness who are involved with the criminal justice system are homeless or at imminent risk of homelessness, and many of these individuals are arrested and jailed for minor, nonviolent offenses.

“(6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

“(7) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile corrections facilities, while providing improved public safety.”

PURPOSE

Pub. L. 108-414, §3, Oct. 30, 2004, 118 Stat. 2328, provided that: “The purpose of this Act [see Short Title of 2004 Act note set out under section 10101 of this title] is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to—

“(1) protect public safety by intervening with adult and juvenile offenders with mental illness or co-occurring mental illness and substance abuse disorders;

“(2) provide courts, including existing and new mental health courts, with appropriate mental health and substance abuse treatment options;

“(3) maximize the use of alternatives to prosecution through graduated sanctions in appropriate cases involving nonviolent offenders with mental illness;

“(4) promote adequate training for criminal justice system personnel about mental illness and substance abuse disorders and the appropriate responses to people with such illnesses;

“(5) promote adequate training for mental health and substance abuse treatment personnel about criminal offenders with mental illness or co-occurring substance abuse disorders and the appropriate response to such offenders in the criminal justice system;

“(6) promote communication among adult or juvenile justice personnel, mental health and co-occurring mental illness and substance abuse disorders treatment personnel, nonviolent offenders with mental illness or co-occurring mental illness and substance abuse disorders, and support services such as housing, job placement, community, faith-based, and crime victims organizations; and

“(7) promote communication, collaboration, and intergovernmental partnerships among municipal, county, and State elected officials with respect to mentally ill offenders.”

§ 10651a. Veteran Treatment Court Program

(a) Establishment

Subject to the availability of appropriations, in coordination with the Secretary of Veterans Affairs, the Attorney General shall establish and carry out a Veteran Treatment Court Program to provide grants and technical assistance to court systems that—

(1) have adopted a Veterans Treatment Court Program; or

(2) have filed a notice of intent to establish a Veterans Treatment Court Program with the Secretary.